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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,511	04/01/2004	Doree Duncan Seligmann	630-067US	8627

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DEMONT & BREYER, LLC
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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,511

Applicant(s)

SELIGMANN, DOREE DUNCAN

Examiner

Sharad Rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 8, 9, 14-22, 36-47, 50-52 and 64-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 9, 14-22, 36-47, 50-52 and 64-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Disposition of the claims

II. The current office-action is in response to the Amendment filed on 07/23/2007.

Accordingly, Claims 4-5, 7, 10-13, 23-35, 48-49, 51 and 53-63 are cancelled and Claims 64-75 is newly appended claims, thus, Claims 1-3, 6, 8-9, 14-22, 36-47, 50-52, and 64-75 are imminent for further assessment as follows:

Claim Rejections - 35 USC § 112

III. The following is a quotation of the **second** paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "a command that reads the value of a **datum**" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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Regarding claim 14, the phrase " a **request/version** to access content " renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

IV. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 8-9, 14-22, 36-47, 50-52, and 64-75 are rejected under 35 U.S.C. 102 (b) as being anticipated by **McDonnell et al.** [US 20020177449].

As per claims 1, 45, 64, 71, **McDonnell** teaches:

A method (Abstract) comprising:

Receiving at a mobile telecommunications terminal a command that reads the value of a datum, (e.g. receiving at a mobile telecommunications terminal a command; ¶ 0060, 0071) and

Determining whether to execute said command based on said geo-location of said mobile telecommunications terminal and on said value. (e.g. determining whether to execute said command; ¶ 0060, 0068, 0071).

As per claims 2, 46, McDonnell teaches:

The method of claims 1, 45, wherein the determination whether to execute said command is also based on the identity of the user of said mobile telecommunications terminal. (e.g. a device's identity; ¶ 0060, 0068, 0071)

As per claims 3, 47, 66, 70, 73, McDonnell teaches:

The method of claims 1, 45, wherein the determination whether to execute said command also based on the calendrical time at said mobile telecommunications terminal. (e.g. the date/time; ¶ 0060, 0068, 0071)

As per claims 49, 67, McDonnell teaches the method of claims 48, wherein said perimeter is based on the nature of said command. (e.g. based on the command; ¶ 0060, 0068, 0071)

As per claims 6, 50, 68, 75, McDonnell teaches the method of claims 1, 48, wherein said perimeter is based on an argument of said command. (e.g. the processing data based on command; ¶ 0060, 0068, 0071)

As per claims 72, McDonnell teaches:

The method of claims 71, wherein said perimeter is based on the identity of the user of said mobile telecommunications terminal. (e.g. a device's identity; ¶ 0060, 0068, 0071)

As per claims 8, 52, 69, McDonnell teaches:

The method of claims 1, 48, 58, wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on the geo-location at which said value is stored. (e.g. within certain range; ¶ 0060, 0068, 0071)

As per claims 9, McDonnell teaches:

The method of claims 1, wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (e.g. within certain range; ¶ 0060, 0068, 0071)

As per claims 14, 36, **McDonnell** teaches:

A method (Abstract) comprising:

Receiving at a mobile telecommunications terminal a request to access content, (e.g. a user input from keypad; Col.9; 32-47, Col.2; 1-13) and

Determining a version of said content to access based on the geo-location of said mobile telecommunications terminal. (e.g. a version; ¶ 0060, 0068, 0071)

As per claims 15, 37, McDonnell teaches:

The method of claims 14, 36, wherein the determination whether to execute said command is also based on the identity of the user of said mobile telecommunications terminal. (e.g. a user's identity; ¶ 0060, 0068, 0071)

As per claims 16, 38, McDonnell teaches:

The method of claims 14, 36, wherein the determination whether to execute said command also based on the calendrical time at said mobile telecommunications terminal. (e.g. the current date/time; ¶ 0060, 0068, 0071)

As per claims 17, 39, McDonnell teaches:

The method of claims 14, 36, wherein the determination whether to execute said command comprises determining whether said geo-location of said mobile telecommunications terminal is inside a perimeter. (e.g. trigger a location parameter; ¶ 0060, 0068, 0071)

As per claims 18, 40, McDonnell teaches:

The method of claims 17, 39, wherein said perimeter is based on the identity of the user of said mobile telecommunications terminal. (e.g. a user's identity; ¶ 0060, 0068, 0071)

As per claims 42, McDonnell teaches:

The method of claims 39, wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on the geo-location at which said value is stored. (e.g. the user's input data; ¶ 0060, 0068, 0071)

As per claims 41, McDonnell teaches:

The method of claims 39, wherein said command comprises reading a value associated with a descriptor, and wherein said perimeter is based on said descriptor. (e.g. the user's input data; ¶ 0060, 0068, 0071)

As per claim 19, McDonnell teaches:

The method of claim 17 wherein said perimeter is based on said content. (e.g. the user's input data; ¶ 0060, 0068, 0071)

As per claim 20, McDonnell teaches:

The method of claim 17 wherein said perimeter is based on the geo-location at which said content is stored. (e.g. the user's input data; ¶ 0060, 0068, 0071)

As per claim 21, 43, McDonnell teaches:

The method of claims 14, 36, wherein a first version of said content is associated with a first medium, and wherein a second version of said content is associated with a second medium. (e.g. the user's input data; ¶ 0060, 0068, 0071)

As per claims 22, 44, McDonnell teaches:

The method of claims 14, 36, wherein a first version of said content is associated with a first authorization category, and wherein a second version of said content is associated with a second authorization category. (e.g. digital certificates; ¶ 0060, 0068, 0071)

Response to Amendments & Remarks

V. Applicant's arguments with respect to claims 1-3, 6, 8-9, 14-22, 36-47, 50-52, and 64-75 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870.

The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Patent Examiner
Art Unit 2617